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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 JOHN EDWARD BETTYS,

9 Plaintiff,

v.

10 JOHN HAMIL, et al.

11 Defendants.
12

CASE NO. C20-5078 BHS-DWC

ORDER ADOPTING REPORT
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable David W. Christel, United States Magistrate Judge. Dkt. 85. The Court
14 having considered the R&R and the remaining record, and no objections having been
15 filed, does hereby find and order as follows:
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- 17 (1) The R&R is **ADOPTED**;
- 18 (2) Defendants’ motion for partial dismissal of Plaintiff’s second amended
19 complaint is **GRANTED in part** and **DENIED in part** as specified below;
- 20 (3) Defendants’ motion to dismiss Plaintiff’s Fourteenth Amendment claims
21 arising out of plaintiff’s transfer to Program Area One, Plaintiff’s claims
22 under the ADA/RA for inadequate medical care, and Plaintiff’s claims

under ADA Title III is **GRANTED** and the claims are **DISMISSED**
without leave to amend;

- (4) Defendants' motion to dismiss Plaintiff's claims under the RA and ADA Title II and plaintiff's claims against the State of Washington is **DENIED**;
- (5) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants, and to the Hon. David W. Christel; and
- (6) This matter is re-referred to the Hon. David W. Christel for further consideration.

Dated this 24th day of May, 2021.



BENJAMIN H. SETTLE
United States District Judge